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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,477	12/30/2004	Hiroaki Hamada	0033-0971PUS1	2658
2292 7590 07/25/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER HSU, AMY R	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 07/25/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/519,477	<b>Applicant(s)</b> HAMADA ET AL.	
	<b>Examiner</b> AMY HSU	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/27/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 5/27/2008 have been fully considered but they are not persuasive.

Applicants argue in REMARKS filed 5/27/2008 that Umeyama fails to teach or suggest continuously and simultaneously displaying images captured from a continuous photographing function on a display until input from a user is received, and concludes that Umeyama fails to anticipate claim 1. However, examiner maintains that Umeyama discloses all limitations of applicant's claims including newly amended limitations which will be further explained with reference to Figures 5 and 6A of Umeyama (US 2002/0057473). Umeyama teaches **continuous display** (paragraph 62) of images and paragraph 54 teaches a "...display mode for **simultaneously** displaying a **plurality** of frames of image data at the display monitor." The data is from the data storage unit for temporarily storing a plurality of original image data, as taught in Paragraph 55: "...image data recorded in the memory card are read out to the **buffer memory**..." to be

displayed. Umeyama teaches this simultaneous display of a plurality of images is continuous until input from a user is received as taught in Paragraph 57: "... a decision is made as to whether or not the selector dial has been set to photographing position... **if an affirmative decision as made (yes), the reproduction operation ends**", and other than this input from the user to end reproduction mode, the display of image continues.

Secondly, applicants argue that Umeyama merely discloses displaying one image only for a predetermined time interval, and fails to teach or suggest continuously and simultaneously displaying the plurality of thumbnail image data on a display until input from a user is received. Examiner respectfully asserts that Umeyama clearly discloses continuous display (*paragraph 62 "a continuous display operation"*) of the plurality of thumbnail image data on a display unit (*Fig. 6A and paragraph 59 "a group of thumbnail images is displayed at the display monitor"*) until input from a user is received (*step S107 and paragraph 57 "if an affirmative decision as made the reproduction operation ends"*).

Therefore, in view of the foregoing explanation examiner maintains that Umeyama anticipates applicant's claims as amended.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Umeyama (US 2002/0057473).

Regarding Claim 1, Umeyama teaches mobile phone equipment (*Paragraph 68 teaches that Umeyama's teaching applies to cellular phones*), comprising: a photographing unit (*Fig. 2 reference number 202*) for converting incident light into an electric signal and outputting as image data (*Paragraph 46*); a first image data storage unit (*Fig. 2 reference number 207*) for temporarily storing a plurality of original image data (*Paragraph 41 describes 207 as a buffer memory which temporarily stores image data*) obtained with a continuous photographing function of said photographing unit (*Fig. 3 shows the continuous photographing function with the flow starting with step S1 through S3 where the captured image is stored, and continuously repeats at step S6 back to S1 if the mode is still in photographing mode*); a display unit for displaying said original image data (*Fig. 2 reference number 3 and Fig. 3 reference number S5*); and an image data playback unit for continuously **and simultaneously (Fig. 6A, paragraphs 54-55, 59, 62)** displaying on said display unit the plurality of said original image data stored in said first image data storage unit **until input from a user is received (paragraph 57)**.

Regarding Claim 2, Umeyama teaches the mobile phone equipment according to claim 1, further comprising a thumbnail image data generation unit for generating thumbnail image data from said original image data (*Fig. 3 step S14 and Paragraph 50 teach the original image is processed to prepare a thumbnail image*), wherein on said display unit, an overview of said thumbnail image data of the plurality of original image data is displayed after the plurality of said original image data are obtained with the continuous photographing function of said photographing unit (*Fig. 6A and Paragraph 59*).

Regarding Claim 3, Umeyama teaches the mobile phone equipment according to claim 2, further comprising a second image data storage unit for permanently storing image data (*Fig. 2 reference number 208*), wherein in the second image data storage unit, the plurality of said original image data obtained in single photographing through the continuous photographing function of said photographing unit and said thumbnail image data are stored in an identical folder (*Fig. 4 shows that the thumbnail and the main image data are part of the same file, therefore the image and the thumbnail are in the same folder if they are in the same file*).

Regarding Claim 4, Umeyama teaches the mobile phone equipment according to claim 2, wherein in said first image data storage unit, said original image data and said thumbnail image data are temporarily stored (*Paragraph 50 teaches that the image data and the thumbnail are stored in the temporary storage, 207*).

Regarding Claim 5, Umeyama teaches the mobile phone equipment according to claim 4, further comprising a second image data storage unit for permanently storing image data (*Fig. 2 reference number 208 is a memory card for permanently storing image data*), wherein in the second image data storage unit, the plurality of said original image data obtained in single photographing through the continuous photographing function of said photographing unit and said thumbnail image data are stored in an identical folder (*See Paragraph 51 and Fig. 4*).

Regarding Claim 6, Umeyama teaches mobile phone equipment, comprising: a photographing unit for converting incident light into an electric signal and outputting as image data (*as addressed with Claim 1*); a thumbnail image data generation unit for obtaining said image data as original image data and generating thumbnail image data from the original image data; a display unit for displaying an overview of a plurality of thumbnail image data generated from a plurality of original image data obtained by said photographing unit through a continuous photographing function (*as addressed with Claim 2*); an image data storage unit for storing said original image data and said thumbnail image data in an identical folder (*as addressed with Claim 3*); and an image data playback unit for reading said original image data from said folder and continuously **and simultaneously** displaying **said plurality of original image data obtained through the continuous photographing function** on said display unit **until input from a user is received** (*as addressed with Claim 1*).

Regarding Claim 7, Umeyama teaches the mobile phone equipment according to claim 6, wherein in said image data playback unit, the plurality of said original image data are displayed on said display unit with a constant time interval (*Paragraph 62 teaches that the apparatus can display a slide show, which displays images at a constant time interval*).

Regarding Claim 8, Umeyama teaches the mobile phone equipment of claim 1, wherein the plurality of image data is displayed on the display until an input is received from a user of the mobile phone equipment. Fig. 3 shows in step S5 image is displayed and this repeats until input is received from the user at step S6 the user can input a mode switch which will discontinue the previous steps including displaying the images.

Regarding Claim 9, Umeyama teaches the mobile phone equipment of claim 8, wherein upon receipt of the input, at least one of the plurality of original image data is deleted without storing original image data in a second image data storage unit. In Fig. 3 after the image is captured in S2, the data is preprocessed and temporarily stored in buffer memory (*paragraph 46*) there is no step up to the display image of S5 to save the image in permanent memory. One of ordinary skill in the art would recognize that when the input from the user at S6 ends the process, the image stored in the temporary memory is deleted since it is only used for Step S5 to display the image temporarily.

Regarding Claim 10, Umeyama teaches the mobile phone equipment of claim 8, further comprising: a thumbnail image data generation unit for generating thumbnail image data from said original image data, wherein upon receipt of the input, the plurality of original image data captured with the continuous photographing function and the generated thumbnail image data is stored in a folder in a second storage unit thereby permanently storing the original image data and thumbnail image data. Umeyama teaches in Fig. 3 the thumbnail image is generated in S14 and recorded to memory in S16 where user input is from step S1.

Regarding Claim 11, Umeyama teaches the mobile phone equipment of claim 6, wherein the image data storage unit stores said original image data and said thumbnail image data captured during the continuous photographing function in an identical folder (*as addressed with Claim 3*).

Regarding Claim 12, Umeyama teaches a method for capturing and managing image data captured during a continuous photographing operation comprising: capturing a plurality of original image data during the continuous photographing operation (*Fig. 3 S2, where this is done continuously as the flow repeats through step S6 and back to S1 through S5*); generating a plurality of thumbnail image data corresponding to each of the plurality of original image data (*Fig. 3, S14*); temporarily storing the plurality of original image data and the plurality of thumbnail image data in a

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first storage unit (*paragraph 50 and paragraph 46 teaches both image data and thumbnail data is stored in a buffer memory*); continuously **and simultaneously (Fig. 6A)** displaying the plurality of thumbnail image data on a display until input from a user is received (*one of ordinary skill in the art knows that thumbnail data is displayed, not full size data*); permanently storing the plurality of original image data and the plurality of thumbnail image data together in a folder in a second storage unit when input is received to permanently store the plurality of original image data and the plurality of thumbnail image data (S16); and deleting the plurality of original image data and the plurality of thumbnail image data when input is received to delete the plurality of original image data and the plurality of thumbnail image data (*in Fig. 3 when the flow goes from S1 to S5 to S6 and the user ends the process, the data is deleted*).

Regarding Claim 13, Umeyama teaches the method of claim 12, further comprising: receiving information representing a selection of the folder stored in the second storage unit; and executing continuous playback of the plurality of thumbnail image data stored in the selected folder. Official notice is taken that it is well known in the art for a user to select a folder and a slide show, which is a continuous playback, of the thumbnails in the selected folder will be played. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Umeyama with that of a slide show operation of a user selected folder because this allows the user to quickly assess the thumbnails in a folder.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMY HSU whose telephone number is (571)270-3012. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amy Hsu  
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ARH 7/18/08

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